

Wednesday, January 20. 1714.

DUBLIN.

The Report of the Committee, in relation to Dudley Moore, Esq;

THE Committee enquired into the Proceedings which have been had against Dudley Moore, Esq; and several other Gentlemen, on Account of a late pretended Riot on the 4th of November 1712, and have agreed upon a Report, which is as followeth.

Upon the 4th of November 1712, the Birth-Day of our late Glorious Deliverer, King William the Third, the Play of Tamerlane was desired to be acted at the Play-House, and Dr. Garth's Prologue to it, which (as your Committee was informed) had been frequently spoke before, was likewise desired to be spoke before the Play, which Prologue is inserted in the Body of the Information to which your Committee refer: That upon the Actors refusing to speak the said Prologue, Dudley Moore, Esq; conceiving it, as he informed the Committee, only a handsome Encomium upon King William, got upon the Stage, and there repeated the said Prologue: That in a few Days after, he, and the other Gentlemen, were examined before Mr. Justice Coote, and bound over to appear at the Queen's-Bench.

Mr. John Caldwell, Deputy-Clerk of the Crown, being examined, says, That the Examinations of Jos. Ashbery, Cor. o Bryan, John Leigh, and James McKenna, against the said Dudley Moore and the other Gentlemen, were returned into the Queen's-Bench in Michaelmas-Term 1712, and were then sent up to the Grand-Jury of the City of Dublin, together with the Bill of Indictment affixed to them: That the Grand-Jury the last Day of the Term returned *Bills vera* upon the Indictment as he apprehended; and that thereupon the said Dudley Moore and the other Gentlemen appeared and traversed the Indictment, and gave Security to appear and prosecute their Traverse the next Term; and that the Grand-Jury was then discharged: That presently after the Bill of Indictment was returned, and the Attorney-General gone out of Court, Alderman Ralph Gore, who was Foreman of the Grand-Jury, came into Court, and made Affidavit, that *Bills vera* was indorsed on the Bill of Indictment by his Mistake and being in a Hurry, for that the Grand-Jury had found it *Ignoramus*, and ordered him to indorse it so; and therefore pray'd that the said Indictment might be returned in order to its being amended, which the Court said they could not do, the Grand-Jury being, as they conceived, now discharged; and whereas he had in his Affidavit stiled himself Foreman of the Grand-Jury, the Court ordered him to amend his Affidavit in that Particular, and to interline the Word *Late*.

That presently after, the whole Grand-Jury came in a Body into the Court, in order to certify to the Court the Mistake, and to pray that the Bill of Indictment might be amended as they had found it, but that they were told by the Court, That being now discharged they could take no Notice of them, and advised them to reduce what they had to offer into an Affidavit, that the Court might consider of it; which they accordingly did very soon after.

He further informed the Committee, That notwithstanding this Dudley Moore, Esq; and the rest of the Gentlemen were bound over, and appeared pursuant to their Recognizance the first Day of Hillary Term.

That upon Mr. Attorney-General's Motion on the 27th of January there was a Rule for Tryal on the Thursday following, and the Traversers were ordered to prepare.

That the Rule for Tryal was vacated the 4th of February upon Mr. Attorney-General's Motion, tho' opposed by the Council for the Traversers, who press'd for and insisted upon their Tryals coming on the Day appointed for it.

That upon the next Day, the 5th of February, there was a Rule entered, as by the Consent of Mr. Attorney and Solicitor-General, tho' not moved for, nor consented to by the Council of the Traversers, That the Indictment should be quashed, and all the Gentlemen, and particularly the said Dudley Moore, should be Discharged.

That before the Effoyne-Day of Easter Term there was an Information Filed by Mr. Attorney-General for the same Matter against Dudley Moore, Esq; only; upon which, Process issued to the Sheriffs of the City of Dublin, and Mr. Tyldall and Mr. Caldwell being asked, Whether they ever knew, after a Bill of Indictment had been quashed, an Information Filed for the same Matter? Answered, They never did.

Your Honourable Member, Mr. Attorney-General, being asked, Whether he had any Directions to File the

said Information, and from whom? Answered, He did not think himself obliged to discover what passed between him and the Lords Justices.

Mr. Caldwell further informed the Committee, That Mr. Moore Appeared by his Attorney, and also entered into a Recognizance the 22d of April, being the first Day of Easter Term last, and that there was then a Rule conceived, that he should Plead to the Information in four Days, which he accordingly did.

That the 2d of May, on Mr. Attorney-General's Motion, there was a Rule made for Tryal the first Friday in Trinity Term.

That on the 9th of June, Three Days before the Day appointed for Tryal, the Information was on an Affidavit of Mr. Schuldhams, That there was a Mistake in the Ingrossing it, ordered to be amended, unless Cause were shewn to the contrary in two Days.

That on the 11th, your Honourable Member Mr. Speaker moved the Court, that the Rule for Tryal the next Day, the 12th, might continue; which was ordered accordingly.

That on the 12th of June, the Attorney-General moved, That the Information might be amended, and the Plea to it, should, by consent of Parties, stand; which was Ordered by the Court accordingly, and Friday the 19th then appointed for the Tryal. That on the 13th, Mr. Attorney moved the Court on the Copies of some Rules, and Certificates out of England, and the Affidavit of one Goodrick, that he had compared them, &c. That the Defendants should shew Cause why the Sheriffs of the City of Dublin should not bring in the Grand Pannel, in order that the Officer should out of it strike a Jury; which was ordered accordingly.

Your worthy Member, Mr. Richard Tyldall, and the said Mr. John Caldwell, being asked, Whether they ever knew or heard of that Practice before in Criminal Cases in Ireland? Answered, They did not.

And your Honourable Member, Mr. Attorney-General, likewise informed the Committee, That being doubtful of the Practice in England, at least, not willing to trust to an old Memory, he would not make the Motion till he was satisfied of it, and therefore sent Goodrick for the Precedents: And being further asked, Whether he sent for those Rules and Precedents by Direction of any other Person, and of whom; or of his own accord? Answered, He thought that an improper Question.

Your worthy Member, Mr. Recorder, moved the Court the 15th of June, against the Rules conceived the 13th; and upon that, the Court appointed to hear Council on both Sides the 17th; which Rule was continued till the next Day.

On the 19th it was Argued by Traverser's Council, and continued to be so four Days successively.

On the 22d it was Argued by Mr. Stanton, Mr. Donkin, Mr. Bourk, Mr. Steward, and Mr. Sweeny, all her Majesty's Council; and on their Motion, the Argument was continued till the next Day.

On the 23d of June, 'twas Argued by Mr. Attorney and Solicitor-General; and then the Court ordered a *Cur. Advulsus*.

That on the 25th of June, being the last Day of Term, Mr. Dudley Moore appeared, was discharged of his Bail, and ordered to give his own Security, to appear the first of Michaelmas Term.

Accordingly he did appear the 6th of November last, being the first Day of Michaelmas Term.

On the 16th of November, Mr. Whithead moved the Court for their Opinion on the Rules conceived on Mr. Attorney-General's Motions the 13th of June last; but they would then make no Rule.

The Court was again moved the 17th by Mr. Speaker and Mr. Whithead, on the same Subject, but would not then deliver any Opinion.

On the 25th of November, Mr. Dean moved the Court for their Judgment, who would not then make any Rule; and they were again moved by Mr. Mahon the 28th, being the last Day of Michaelmas Term, for their Resolution; which they still refused to deliver, but continued Mr. Moore on his Recognizance till the first of next Term.

And upon this Foot, after Mr. Moore's attending five Terms, this Affair stands in the Court of Queen's Bench.

The Committee reported further, That they were informed by Mr. John Moore, That as he believed, there were some extraordinary Steps taken in this Cause, while under the Determination and Judgment of the Court of Queen's Bench, so he apprehended there was one of a much more extraordinary and dangerous Nature taken elsewhere, and therefore desired Alderman John Eccles might be examined before the Committee; who being accordingly produced, informed the Committee as follows.

That

That he, among the rest of the Council, was summoned by my Lord Mayor's Officer on the 15th of January 1712, to attend my Lord Mayor to the Castle the next Day.

That he accordingly came to the Tholsel the next Day, being the 16th of January, from whence he went with my Lord Mayor, and the rest of the Aldermen, in a Body to the Castle about Seven o'Clock in the Evening, where they were introduced to the Lords-Justices then sitting in Council.

That upon coming into the Room, Sir Constantine Phipps, Kt. Lord Chancellor of Ireland, and then one of the Lords-Justices, addressed himself to my Lord Mayor and the Aldermen in these Terms, or Words to this Effect.

My Lord Mayor and Gentlemen,

WE have sent for you to let you know, That her Majesty has taken Notice, That several Libels and Scandalous Papers have been lately printed and dispersed in this City, and 'tis expected from you my Lord Mayor, and such of the Aldermen as are Magistrates, that you inquire into this Matter, and suppress those Practices, and find out those who disperse those Libels. Her Majesty is much offended at the late Riot that was in this City on the last King William's Birth-Day: We all have a Regard for his Memory, but 'tis not fit to pay our Respects to his Memory by Affronting the Queen. The Prologue that was that Day read, was twice before prohibited by the Government; and those Gentlemen who were concerned in that Matter, ought to have known themselves better, than to have read a Prologue so Seditious: That Prologue sounds the Trumpet to War against this very Prince the Queen thinks fit to support on his Throne, and even the worst of her Majesty's Enemies own, That it is her undoubted Prerogative to make Peace or War. Her Majesty has ordered us to direct, that the Matter be prosecuted with the utmost Severity of Law, and yet in the midst of Justice is pleased to think of Mercy, by ordering only one of the Persons concerned to be prosecuted, and that will be one of them whom we shall think deserves most to be punished. My Lord Mayor, I hope such Officers in your City as are concerned in returning Juries, will take Care to return such Persons on the Jury, as will, when they have Sworn, have Regard to their Consciences and Oaths, by letting the Queen have an equal share of Justice with her Subjects, which she ought to have in this City, which partakes so much of her Bounty and Favour. I am likewise to let you know from her Majesty, That you are to suppress all Popish Mass-Houses in your City, whose Priests, that have not qualified themselves by taking the Oath of Abjuration, Officiate. Your suffering Priests to say Mass is a Reflection on us, as if we favoured them: You have good Laws to suppress them, and 'tis expected you put them in Execution. This is what we have to give you in Command from her Majesty. *Hereupon the Lord Mayor was retiring, Hold, (says the Lord Chancellor) my Lord Mayor, we have something more to say to you: You, my Lord Mayor, have behaved your self so well since you came into this Station, that you deserve a particular Mark of our Favour for your Duty and Loyalty to the Queen: You must be knighted. And so knighted him.*

He likewise informed the Committee, That as soon as they withdrew, they attended the Lord Mayor to the Tholsel, and immediately after, he, and a great many of the Aldermen went to the Rose-Tavern, and consulting there among themselves, reduced what my Lord Chancellor had said to them in the Council-Chamber to Writing, in which they all agreed, and verily believes what is above reported, which he read out of a Paper, which he affirmed to be a true Copy of the Paper wrote that Night at the Rose, to be as near as possible, the Words my Lord Chancellor spoke on that Occasion.

Alderman John Page being examined, and having the above Words given in Evidence to the Committee by Alderman Eccles, read to him, said, he verily believes the Words read to him were the Words the Lord Chancellor spoke on that Occasion.

Mr. Alderman Burton being likewise examined, said, That he agrees in every Circumstance with Alderman Eccles and Page.

Upon the whole Matter, the Committee conceiving the Proceedings in this Case to be very Extraordinary, and of great Consequence, were unwilling to come to any Resolution therein, but humbly submit the Consideration thereof to the House.

By Virtue of an Order of the House of Commons, T. d. appoints Francis Dixon to print this Report, and that no other Person do presume to print the same.

Alan Brodrick, Speaker.

land, Dec. 23.

Ordered, That Leave be given to bring in Heads of a Bill to limit the Time for Criminal Prosecutions for Words spoken; and that Mr. John Moore, Mr. Forth, and Mr. Tisdale do prepare and bring in the same.

At the Desire of several Persons of Quality. By Her Majesty's Company of Comedians.

AT the Theatre-Royal in Drury-Lane, this present Wednesday, being the 20th of January, will be presented a Comedy call'd, *The Amorous Widow*: Or, *The Woman's Wife*.

AT the Queen's Theatre in the Hay-Market, on Saturday next, being the 23d of January, will be presented an Opera call'd, *Porinda*. The Part of Silvio by Signora Caterina Galera, lately arriv'd from Italy; and the Part of Nicolo by Signora Margarita de L'Etoile. Boxes 8 s. Pit 2 s. Gallery 1 s. 6 d. Boxes upon the Stage 1 s. 6 d.

Mathew Welt, at the 7 Stars in Clare-Street, Clare-Market, Goldsmith, gives Notice, That he has Shares of several undrawn Tickets to dispose of, which may be had at his House shoreditch, or at North's Coffee-house in King Street near Guildhall. N.B. There is near one third part of the Lottery already drawn, and not above one fourth part of the Prizes; so that those who will become Purchasers of Share Tickets now, have treble the Advantage as formerly, by the great Prizes being still in the Wheel, therefore are desired to be speedy.

London, Jan. 13. 1713-14, Lost out of my Shop one Silver Minute Watch made by Elderton at York, one plain Watch made by Crayle in the Strand, both without the Box and Case, one Ingot of Gold, a Dozen of Watch-Chains, a Dozen of Watch-Springs, several old Trench-Bell Cases, and 1 old 8-shion flat firing Watches, and 12 s. 6 d. in Money. Whoever brings the same to Mr. Jos. Windmill at the Dial in Tower-Street, shall have 4 Guineas Reward, and no Questions asked.

Delivered by mistake by the Maid Servant of Kirk's Coffee-house in Piccadilly, on Thursday last the 14th Instant, a Waincoat Periwig Box, in which was a brown tye Periwig, an old Smir, and 2 or 3 odd Things. If any Person will bring them to Charles Lillie, at the Corner of Beaufort-Buildings in the Strand, they shall receive Two Guineas Reward, without having the least Question asked.

The Sale of a Parcel of about 23 Pipes of Sweet and Dry Malaga Wines and Tere Wines, saved out of the Wm. Lough Ship the Rebecca, stranded near Newport in the Isle of Wight, (advertised in Monday's and Yesterday's Courant to be sold by a publick Sale at Cowes, on Friday next the 22d Instant) is put off till another time, of which Notice shall be given in this Paper.

For SALE by the CANDLE.

This Day, being the 20th Instant, at Sam's Coffee-house by the Custom-house, at 4 o'Clock in the Afternoon, (only one Cask of French Brandy in a Lot,) viz. 6 Quarter-Casks, 12 Anchor, and 46 Half Anchors of excellent French Brandy, (Cogniac and Bourdeaux) in a Cellar under the Woolpack and Key, near Beer-lane (and the Custom-house) in Thames-Street. To be seen and tasted all Day (as above) till the time of Sale. To be sold by Tho. Tomkins, Broker, in Seething-lane in Tower-Street.

For SALE by the CANDLE.

To Morrow the 21st Instant, at 5 a Clock in the Afternoon, at Garraway's Coffee-house in Exchange-Alley in Cornhill, (only one Cask of Wine in a Lot,) viz. 72 Hogsheads of excellent French old Claret, of the best Growth in France, deep, bright, strong, fresh, of the true & pure and genuine, very fine and fit to be immediately bottled: In a Vault under Jacob's Well, between Nicholas-lane and London-stone in Cannon-Street. N.B. The Buyers to be allowed one Month after the Sale to take away the said Clarets. And 10 Pipes of excellent new Canary Oratava Wines, near an entire Parcel: In a Warehouse up one Pair of Stairs fronting the Thames at Wiggan's-Key, between Billingsgate and the Custom-house. All the said Wines to be seen and tasted this Day from 8 to 1, and from 2 to 5, and all Day to Morrow (as above) till the time of Sale. To be sold by Tho. Tomkins, Broker, in Seething-lane in Tower-Street.

For SALE by the CANDLE.

On Friday the 22d Instant, at Lloyd's Coffee-house in Lombard-Street, at 5 a Clock in the Afternoon, (only one Cask of Wine in a Lot,) viz. 36 Pipes of excellent new White Caravalla, and 1 Pipe of Red Lisbon Wine, near an entire Parcel, just landed; now in a Warehouse N^o 81, up a half Story, (from the Ground, fronting the Thames) at Wiggan's-Key, between Billingsgate and the Custom-house. And 12 Hogsheads of French Claret, and 4 Hogsheads of French Stum; in a Vault in Dolphin-Yard near the Navy-Office in Crouched-Fryars. All the said Wines to be seen and tasted this Day and to Morrow from 8 to 1, and from 2 to 5, and all Friday till the time of Sale (as above.) To be sold by Tho. Tomkins, Broker, in Seething-lane in Tower-Street.

Bibliotheca Salmoniana, Pars Prima: Or, A Catalogue of Part of the Library of the Learned Wm Salmon, M. D. deceased. Consisting of many very valuable and uncommon Books, in several Faculties and Languages: Chiefly, in Physick, Chirurgery, Chymistry, Divinity, Philology, History, and other polite parts of Learning, most of the Classics, Novis variorum, and other choice Editions, well bound and very Fair, several being of the large Paper. Which will begin to be sold by Auction at St. Paul's Coffee-House, next Door to Dean's Court the West End of St. Paul's, on Monday the 15th of January, beginning every Evening at 5, till the Sale is finished. By Tho. Ballard, Bookseller, at the Rising Sun in Little-Britain: Where Catalogues may be had, as also of Mr. King in Westminster-Hall, Mr. Brown at Exeter Exchange and without Temple-Bar, Mr. Innys in St. Paul's Church-yard, Mr. Bateman in Peter-Noether-Row, Mr. Sturges in Cornhill, Mr. Mount on Tower-Hill, bookellers; and at the Place of Sale. Price one Shilling. The remaining Part of the Medicines prepared by the late Doctor will continue to be sold at his late Dwelling-House.

This Day is Published,

A brief History of the Succession to the Crown of England. Wherein Facts, Collected from the best Authorities, are oppos'd to the novel Assertions of indefeasible Hereditary Right. Printed on the same Size as the Crisis, and very proper to be annexed to it. Sold by Ferd. Burlingh, in Amen-Corner. Price 2 s.